

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC.

vs.

LAWSON SOFTWARE, INC.

Civil Action No.
3:09CV620

January 7, 2011

COMPLETE TRANSCRIPT OF THE JURY TRIAL

BEFORE THE HONORABLE ROBERT E. PAYNE

UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

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United States District Court

EXHIBIT

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1 THE COURT: Is that 111 or 11?

2 MR. ROBERTSON: 11, sir. I may have misspoken.

3 THE COURT: No, I didn't write it down.

4 Q Doctor, I'd like to talk to you a little bit now about
5 what's known as indirect infringement. You are familiar with
6 that concept?

7 A Yes.

8 Q You understand that ePlus is also accusing Lawson of
9 inducing infringement of the patent claims in this case by
10 encouraging, aiding, abetting, or assisting its customers to
11 directly infringe the method claims at issue in this case?

12 A Yes, I understand that.

13 Q What evidence have you reviewed with respect to whether or
14 not Lawson does, in fact, encourage, assist, urge, aid, or abet
15 its customers to use the Lawson systems in a manner that are
16 covered by ePlus's claims?

17 A Well, we saw yesterday that there were training courses
18 that were being offered. We looked at one which was the notes
19 for a training session, but there are live training sessions,
20 there are archived on-line training sessions that you can play
21 back. There are live training sessions that are using an
22 interactive tool so that you can watch a training session and
23 participate in it.

24 We know from testimony of both the Lawson witnesses and
25 their customers that Lawson provides consulting services to

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1 help with things like the data migration that we talked about
2 moments ago. Lawson maintains a help website where customers
3 can go to find documents or to get answers to frequently asked
4 questions.

5 We know that Lawson has partnerships with some companies
6 that provide multiple vendor catalogs. One of those is the
7 Global Health Exchange. So this helps their customers find
8 more items that they might want to purchase, and then as you've
9 seen already, there's voluminous documentation that Lawson
10 provided to its customers about how to use its software
11 products.

12 Q Will they install, build, configure, maintain, and service
13 those systems?

14 A They will.

15 Q Does Lawson provide on-demand online courses?

16 A Yes, they do.

17 Q Will they perform product simulation training for you?

18 A Yes, they will.

19 Q Do they have interactive webcast training?

20 A Yes, they do.

21 Q Do they provide virtual labs where students can interact
22 with a simulation system?

23 A Yes, they do.

24 Q Do they offer courses in how to do the electronic
25 procurement?

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1 aren't accused. Isn't that what your objection was?

2 MR. McDONALD: That's right.

3 THE COURT: The question was confusing if he
4 is giving opinion that it does infringe. In addition
5 to that, it is beyond where you are in the discovery
6 process. And we have to sort that out and then get
7 your question straight, and go forward from there
8 while we're having a recess.

9 Thank you. Recess for 20 minutes.

10 (Brief recess taken.)

11 THE COURT: All right. Have we gotten
12 ourselves ready to go now?

13 MR. ROBERTSON: Yes, sir.

14 THE COURT: All right. Let's go.

15 BY MR. ROBERTSON:

16 Q Dr. Weaver, we were looking at Claim One, the '172
17 patent. The fifth element down I'd like you to focus
18 on as. It's a means for building a requisition that
19 uses data obtained from a database relating to
20 selected matching items on said order list. Do you
21 see that, the order list?

22 A Yes..

23 Q Which Lawson application did we see that had the
24 capability of providing an order list?

25 A The shopping cart. So the RSS module.

1 the afternoon on Tuesday, it looks like. If not, you
2 may be kicking off on Wednesday morning, it depends.

3 My wife criticizes me substantially for
4 checking out the NOAA weather and other weather items
5 like the Weather Channel, and she accuses me of being
6 an old man with nothing to do because I do that, but
7 there are times when it comes into play. And I saw
8 that there is a very significant snowstorm supposed to
9 hit the Midwest, and I don't want you-all to go home
10 over the weekend and get trapped there.

11 So be advised that being trapped in the snow
12 is not a sufficient excuse not to start the trial.
13 Mr. Carr will be ready to go.

14 And I am not, I want you to know, being paid
15 by any merchant in town to keep you-all here.

16 All right. Thank you very much. Have a nice
17 weekend. Get some rest.

18 (The proceedings were adjourned at 5:17 p.m.)
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